

**BEFORE THE PLANNING COMMISSION
FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF)	ORDER NO. 2322
A NEW CONDITIONAL USE FOR EXTENDED HOURS)	CU2013-0002 ORDER APPROVING
OF OPERATION ASSOCIATED WITH A NEW DRIVE-)	WATERHOUSE COMMONS CONDITIONAL USE.
UP WINDOW FACILITY (WATERHOUSE COMMONS).)	
PARR FINANCIAL CORPORATION, APPLICANT.)	
)	

The matter came before the Planning Commission on June 19, 2013, on a request for Conditional Use approval to extend hours of operation for a new drive-up window facility. In the Community Service (CS) zone, drive-up window facilities are permitted. However, uses operating between 10:00 p.m. and 7:00 a.m. are a Conditional Use when the property is within 500 feet of an existing residential use in a residential zone. The applicant requests 24 hour operation of the new drive-up window facility. The site is currently developed with two buildings. To accommodate the new drive-up window service, the applicant proposes to demolish approximately 4,400 square-feet in floor area. The new building, shown as Building C on the applicant's site plan, will remain at approximately 5,000 square-feet in size, and will be designed to suit the new drive-up use. The proposal would replace the Conditional Use approval already in effect (CUP2001-0014), and remove a previous condition of approval that established a maximum daily site generation of 3,500 vehicular trips. The subject site is located on the north side of SW Regatta Lane and south side of SW Walker Road, between SW Schendel Avenue and SW Outrigger Terrace. The

site is identified as Tax Lot 2000 on Washington County Tax Assessor's Map 1S1-05BA. The subject site is approximately 3.02 acres in size.

Pursuant to Ordinance 2050 (Development Code) Sections 50.15.2 and 50.45 the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

At the June 12, 2013 hearing, the Commission voiced concern over allowing 24 hour operation for any permitted use within the CS zone. Thereafter, the applicant acknowledged the intended use of the drive-up window facility to be one of three uses: a bank, restaurant, or pharmacy. The Commission finds in support of the request for extended hours of operation if the drive-up window facility is limited to these three uses. In response to the applicant's request to remove past condition No. 4 of CUP2001-0014, the Commission finds the evidence presented to be insufficient.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated June 12, 2013, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03, 40.15.15.3.C, and 50.95.6 of the Development Code. To minimize potential traffic and noise impacts, the drive-up window facility shall be limited to financial institutions, eating and drinking establishments, and retail pharmacies to operate 24 hours. The Commission also finds in favor of retaining the maximum daily site generation cap of 3,500 vehicular trips as established under past Conditional Use approval.

Therefore, **IT IS HEREBY ORDERED** that **CU2013-0002** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the

Staff Report dated June 12, 2013, and based on the additional findings made by the Planning Commission through the course of the hearing and subject to the conditions of approval as follows:

1. The conditions of this Conditional Use shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (Planning/CP)

The applicant or property owner shall continually comply with the following conditions:

2. Hours of operation for the financial institutions, eating and drinking establishments, and retail pharmacy uses licensed by the State of Oregon located at Waterhouse Commons Building C (as shown on the approved site plan, Exhibit A) shall be permitted for continuous twenty-four (24) hours operations for seven (7) days a week.
3. Hours of operation for uses located at Waterhouse Commons Buildings A and B (as shown on the approved site plan, Exhibit A) which are permitted outright, excluding Auto Services – Minor and Equipment Rental, shall be permitted between the hours of 6:00 am to 1:00 am, seven (7) days a week, as previously approved by CUP2001-0014. (Planning/CP)
4. Future uses that require approval of a Conditional Use Permit, are not approved for extended hours and shall be limited to the permitted hours established by the Beaverton Development Code, unless approved through the procedures of the Code. (from CUP2001-0014)
5. Prior to the use of extended hours of operation approved by this permit, the applicant shall file a copy of the approved Conditional Use Permit with the Washington County Department of Records and Elections. (from CUP2001-0014)
6. The property subject to approval of this permit is identified as Tax Lot 2000 on Washington County Assessor's Map 1S1-05BA. (from CUP2001-0014)
7. Drive-up communication sound systems, such as menu board speakers, shall not exceed a measurement of 55 decibels at the adjoining property line. (Planning/CP)
8. The use of outside or exterior paging systems, outside music or methods of amplification other than menu board communication systems is prohibited for businesses on site before 7:00 am and after 10:00 pm, seven (7) days a week. (Planning/CP)

9. Conditions 1 thru 8 shall control. Conditions of past Conditional Use approval for extended hours of operation (case file CUP2001-0014) are null and void. (Planning/CP)
10. The mixture of uses within Waterhouse Commons, subject to this permit, shall not exceed an overall daily site generation of 3,500 vehicular trips.

Motion **CARRIED**, by the following vote:

AYES: Doukas, Maks, Nye, Winter, and Overhage.
NAYS: None.
ABSTAIN: None.
ABSENT: Kiene and Stephens.

Dated this 27th day of June, 2013.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2322 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community and Economic Development Department's office by no later than 5:00 p.m. on

Monday, July 8, 2013.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

Cassera Phipps
CASSERA PHIPPS
Assistant Planner

APPROVED:

V. Overhage
KIM OVERHAGE
Chair

Steven A. Sparks
STEVEN A. SPARKS, AICP
Planning Division Manager